

EPA Region 5 Records Ctr.



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R2003268134_1

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MARY ANN STUKEL**13P**

Will County Recorder
Will County

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THE ABOVE SPACE FOR RECORDER'S OFFICE

Environmental Land Use Control

THIS ENVIRONMENTAL LAND USE CONTROL ("ELUC"), is made this 21st day of October, 2003, by BP Amoco Chemical Company, a Delaware corporation, ("Property Owner") of the real property located in Channahon Township, Will County, Illinois and legally described as set forth in Exhibit "A" attached hereto and incorporated by reference herein. ("Property").

WHEREAS, 415 ILCS 5/58.17 and 35 Ill. Adm. Code 742 provide for the use of an ELUC as an institutional control in order to impose land use limitations or requirements related to environmental contamination so that persons conducting remediation can obtain a No Further Remediation determination from the Illinois Environmental Protection Agency ("IEPA"). The reason for an ELUC is to ensure protection of human health and the environment. The limitations and requirements contained herein are necessary in order to protect against exposure to contaminated soil or groundwater, or both, that may be present on the Property as a result of the Property Owner's historic operation of a chemical manufacturing plant on the Property. Under 35 Ill. Adm. Code 742, the use of risk-based, site-specific remediation objectives may require the use of an ELUC on real property, and the ELUC may apply to certain physical features (e.g., engineered barriers, monitoring wells, caps, etc.).

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WHEREAS, Property Owner intends to request risk-based, site specific soil and groundwater remediation objectives from IEPA under 35 Ill. Adm. Code 742 to obtain risk-based closure of sites located on or near the Property utilizing an ELUC, such sites being identified by IEPA as IL ID No. 1978000001 (Will County) and IL ID No. 1970450056 (Will County).

NOW, THEREFORE, the recitals set forth above are incorporated by reference as if fully set forth herein, and the Property Owner agrees as follows:

Section One. Property Owner does hereby establish an ELUC on the real estate, situated in the County of Will, State of Illinois and further described in Exhibit A.

Attached as Exhibit B are site maps that show the legal boundary of the Property, any physical features to which the ELUC applies, the horizontal and vertical extent of the contaminants of concern above the applicable remediation objectives for soil or groundwater or both, and the nature, location of the source, and direction of movement of the contaminants of concern, as required under 35 Ill. Adm. Code 742.

Section Two. Property Owner represents and warrants that it is the current owner of the Property and has the authority to record this ELUC on the chain of title for the Property with the Office of the Recorder of Deeds in Will County, Illinois.

Section Three. The Property Owner hereby agrees, for itself, and its heirs, grantees, successors, assigns, transferees and any other owner, occupant, lessee, possessor or user of the Property or the holder of any portion thereof or interest therein, that:

- a. Groundwater which underlies the Property shall not be used for potable purposes regardless of the depth of the well.
- b. No water supply well shall be installed or otherwise used for any purposes at the Property. Installation and use of wells for groundwater monitoring or remediation activities are not prohibited.
- c. The Property shall not be used for any agricultural, recreational or residential purpose, or in any manner that would allow children to have the opportunity for exposure to contaminants through soil ingestion or inhalation, including

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but not limited to educational facilities, health care facilities, child care facilities, or outdoor recreational areas.

Section Four. This ELUC is binding on the Property Owner, its heirs, grantees, successors, assigns, transferees and any other owner, occupant, lessee, possessor or user of the Property or the holder of any portion thereof or interest therein. This ELUC shall apply in perpetuity against the Property and shall not be released until the IEPA determines there is no longer a need for this ELUC as an institutional control; until the IEPA, upon written request, issues a new no further remediation determination approving modification or removal of the limitation(s) or requirement(s); and until a release or modification of the land use limitation or requirement is filed on the chain of title for the Property.

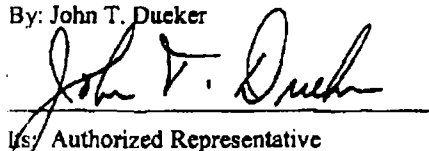
Section Five. Information regarding the remediation that has or will be performed by the Property Owner on the sites located on or near the Property may be obtained from the IEPA through a request under the Freedom of Information Act (5 ILCS 140) and rules promulgated thereunder by providing the IEPA with the identification numbers listed above.

Section Six. The effective date of this ELUC shall be the date that it is officially recorded in the chain of title for the Property to which the ELUC applies.

WITNESS the following signature:

Property Owner

By: John T. Ducker



As: Authorized Representative

Date: 21 October 2003

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STATE OF ILLINOIS)

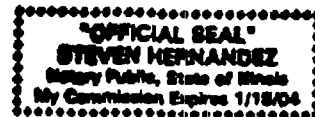
) SS:

COUNTY OF)

I, Steven Hernandez, the undersigned, a Notary Public for said County and State, DO HEREBY CERTIFY, that John T. Ducker, personally known to me to be the Authorized Representative of BP Amoco Chemical Company, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that in said capacity he signed and delivered the said instrument as his free and voluntary act for the uses and purposes therein set forth.

Given under my hand and official seal, this 21st day of October 2003.



Notary Public

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Exhibit A

(ELUC AREA TRANSFERRED WITH PLANT SALE)

THAT PART OF THE NORTHWEST QUARTER OF FRACTIONAL SECTION 11, THE EAST HALF OF SECTION 10, AND THE NORTHEAST QUARTER OF SECTION 15, ALL IN TOWNSHIP 34 NORTH, RANGE 9 EAST, OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID FRACTIONAL SECTION 11; THENCE SOUTH 00 DEGREES 22 MINUTES 35 SECONDS WEST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID FRACTIONAL SECTION 11, 1999.93 FEET TO THE POINT OF BEGINNING; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 1515.73 FEET TO THE LINE BETWEEN BP AMOCO CHEMICAL COMPANY AND THE STATE OF ILLINOIS, ACCORDING TO THE BOUNDARY LINE AGREEMENT RECORDED MARCH 31, 2003 AS DOCUMENT R2003074463; THENCE SOUTH 21 DEGREES 25 MINUTES 07 SECONDS WEST, 14.81 FEET; THENCE SOUTH 16 DEGREES 35 MINUTES 49 SECONDS WEST, 141.29 FEET; THENCE SOUTH 13 DEGREES 35 MINUTES 34 SECONDS WEST, 115.32 FEET; THENCE SOUTH 11 DEGREES 43 MINUTES 58 SECONDS WEST, 118.25 FEET; THENCE SOUTH 12 DEGREES 48 MINUTES 59 SECONDS WEST, 100.22 FEET; THENCE SOUTH 11 DEGREES 35 MINUTES 52 SECONDS WEST, 53.54 FEET; THENCE NORTH 73 DEGREES 47 MINUTES 05 SECONDS WEST, 443.75 FEET; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, 1552.48 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, 718.30 FEET; THENCE SOUTH 06 DEGREES 58 MINUTES 41 SECONDS EAST, 255.11 FEET; THENCE SOUTH 04 DEGREES 13 MINUTES 03 SECONDS EAST, 175.63 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, 429.09 FEET; THENCE SOUTH 14 DEGREES 13 MINUTES 59 SECONDS WEST, 175.03 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, 551.86 FEET; THENCE SOUTH 44 DEGREES 15 MINUTES 07 SECONDS EAST, 823.09 FEET TO THE NORTHEAST CORNER OF SAID SECTION 15; THENCE SOUTH 00 DEGREES 17 MINUTES 15 SECONDS WEST, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 15, 395.47 FEET TO THE TOP OF BANK OF THE DES PLAINES RIVER; THENCE SOUTH 67 DEGREES 25 MINUTES 08 SECONDS WEST, ALONG SAID TOP OF BANK, 85.75 FEET; THENCE NORTH 44 DEGREES 15 MINUTES 07 SECONDS WEST, 1247.49 FEET; THENCE NORTH 00 DEGREES 17 MINUTES 15 SECONDS EAST, 1195.25 FEET; THENCE NORTH 89 DEGREES 37 MINUTES 20 SECONDS WEST, 201.00 FEET; THENCE NORTH 00 DEGREES 17 MINUTES 15 SECONDS EAST, 990.00 FEET TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 10; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 561.63 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 589.12 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 76.82 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 570.10 FEET TO THE POINT OF BEGINNING; IN WILL COUNTY, ILLINOIS.

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Parcel Identification Numbers (PIN) Associated with ELUC Area Transferred with Plant Sale

PIN 10-11-100-001-0020

PIN 10-10-200-001-0000

PIN 10-10-400-004-0000

PIN 10-10-400-003-0000

PIN 10-10-400-005-0000

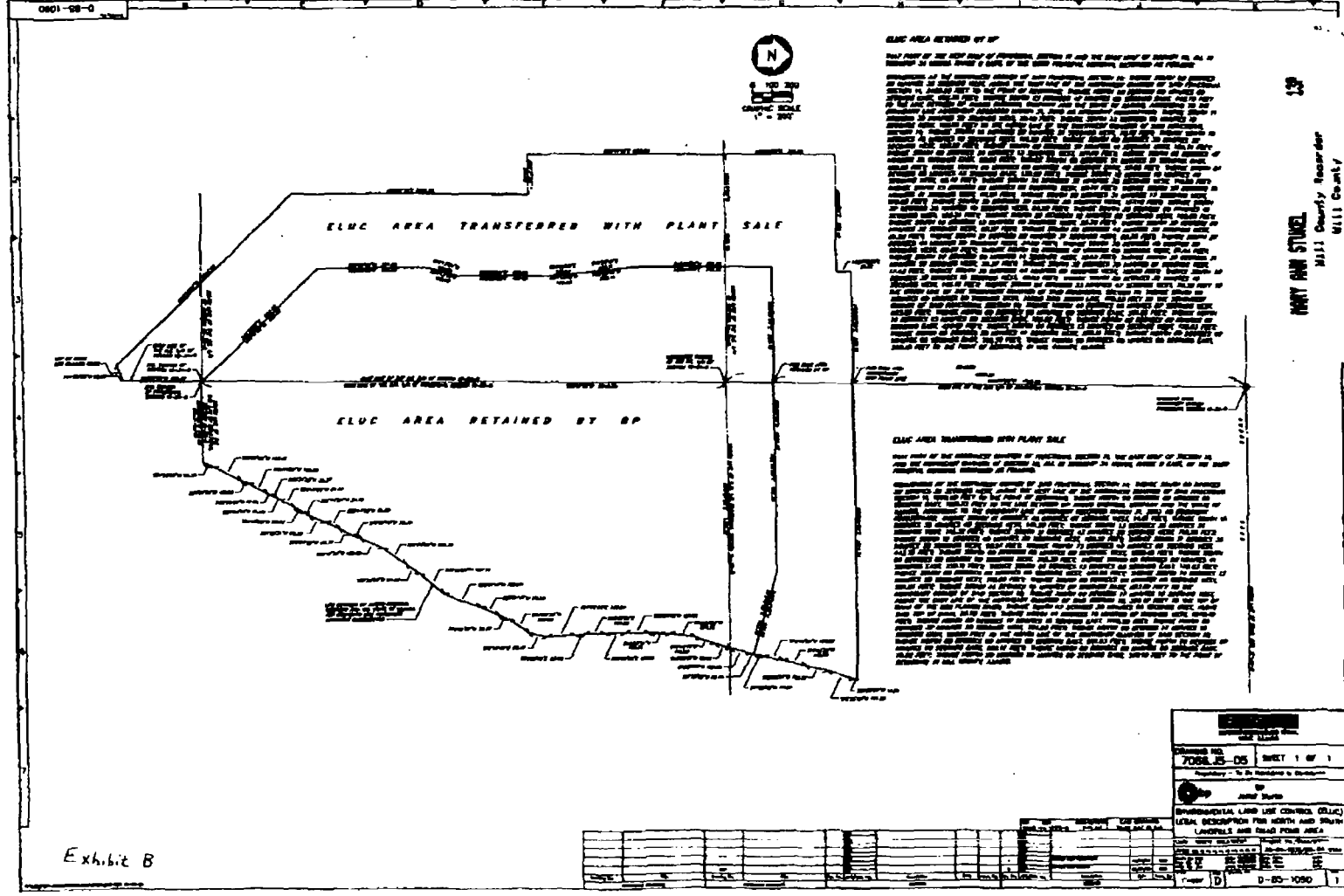
PIN 10-15-200-003-0000

Common Address: 23425 Amoco Road, Channahon, Illinois 60410

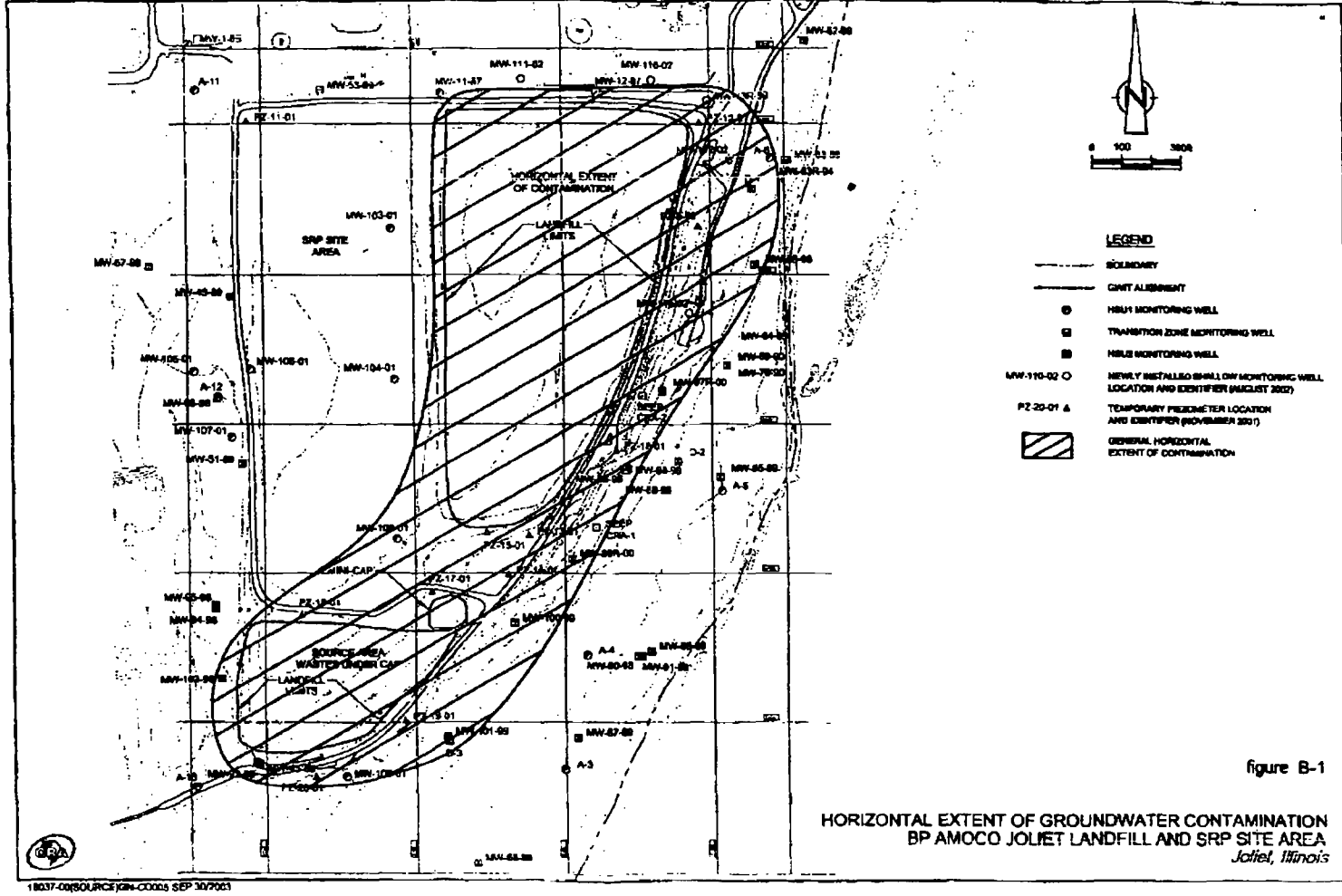
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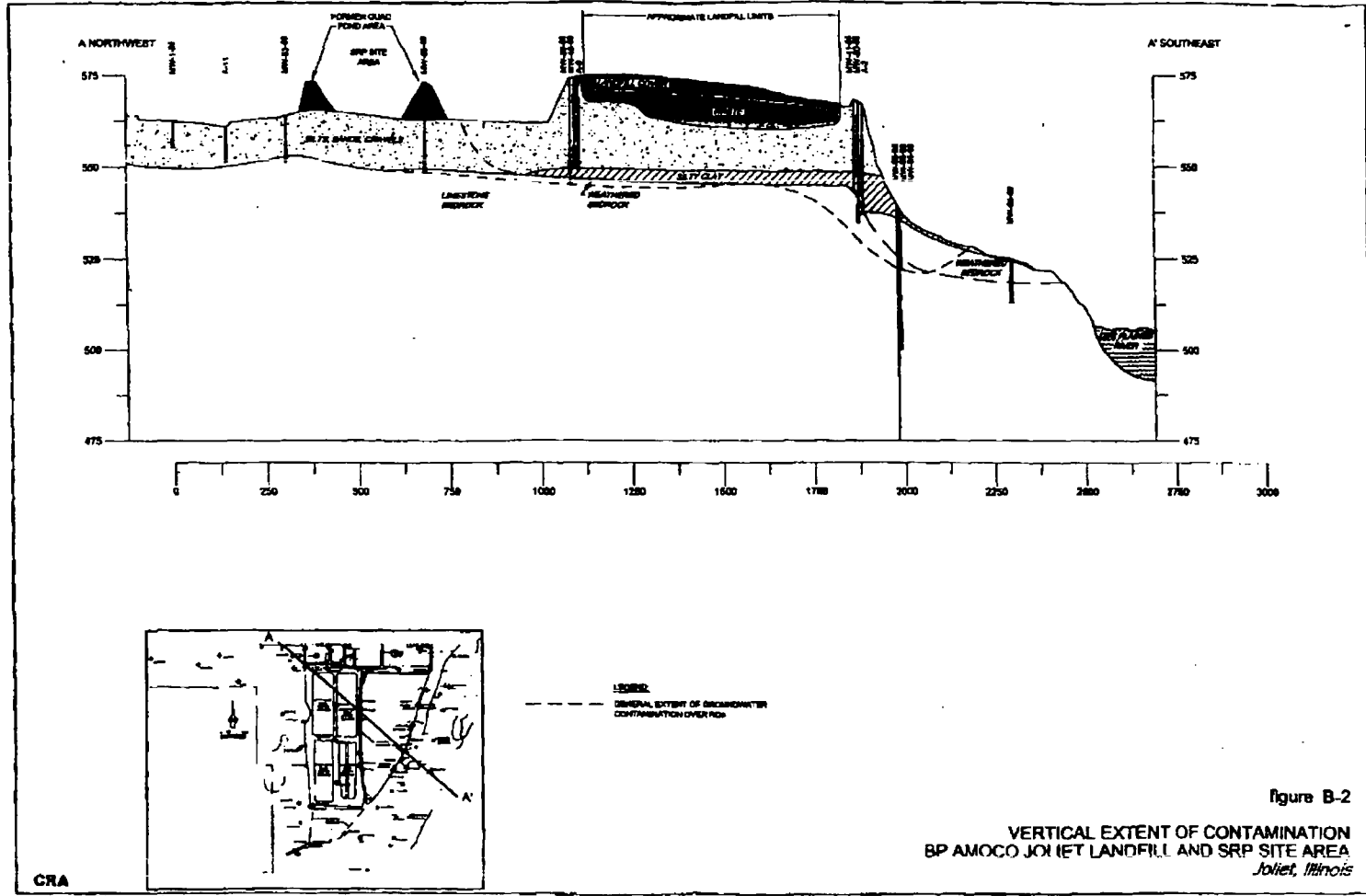
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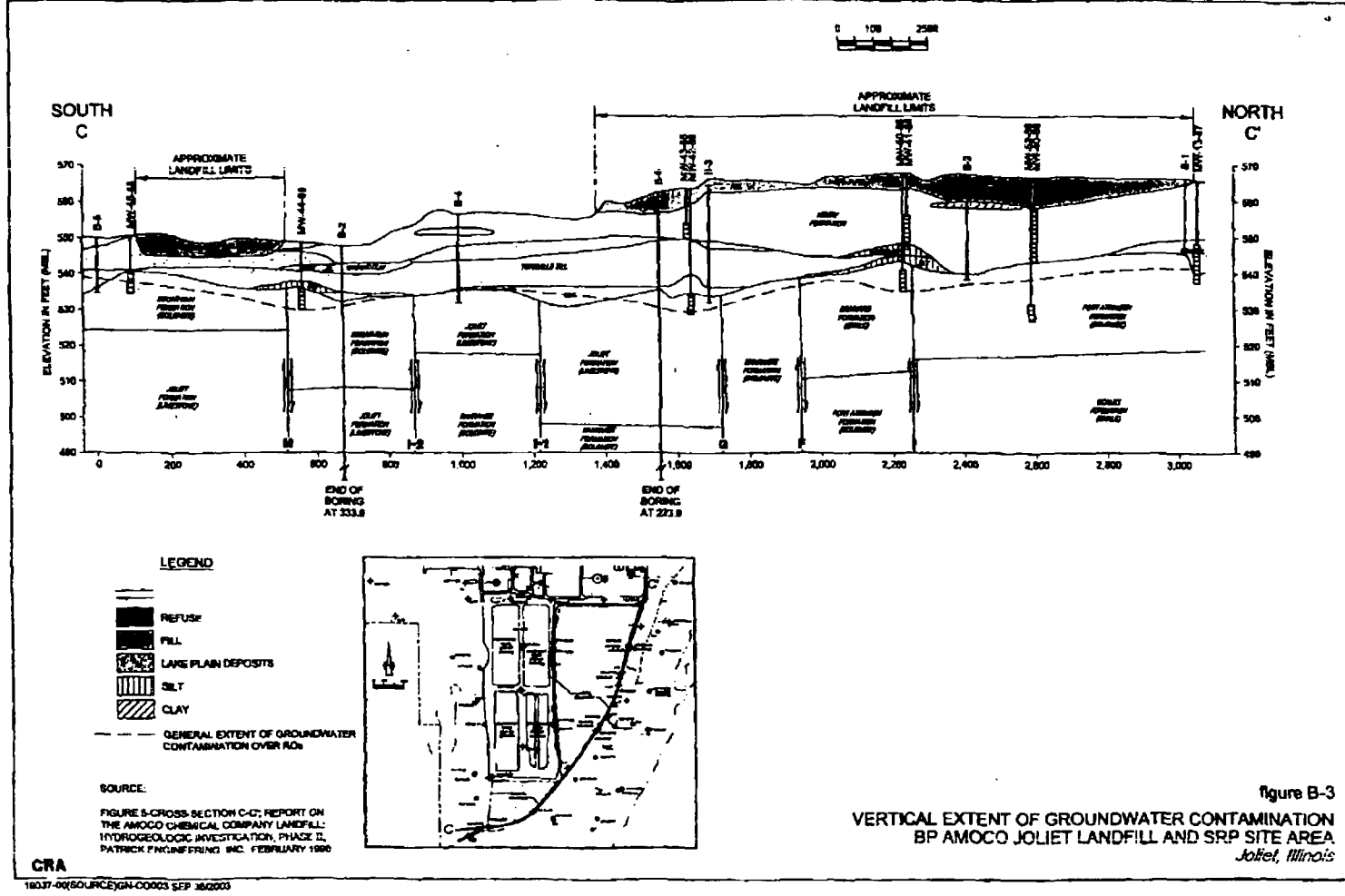
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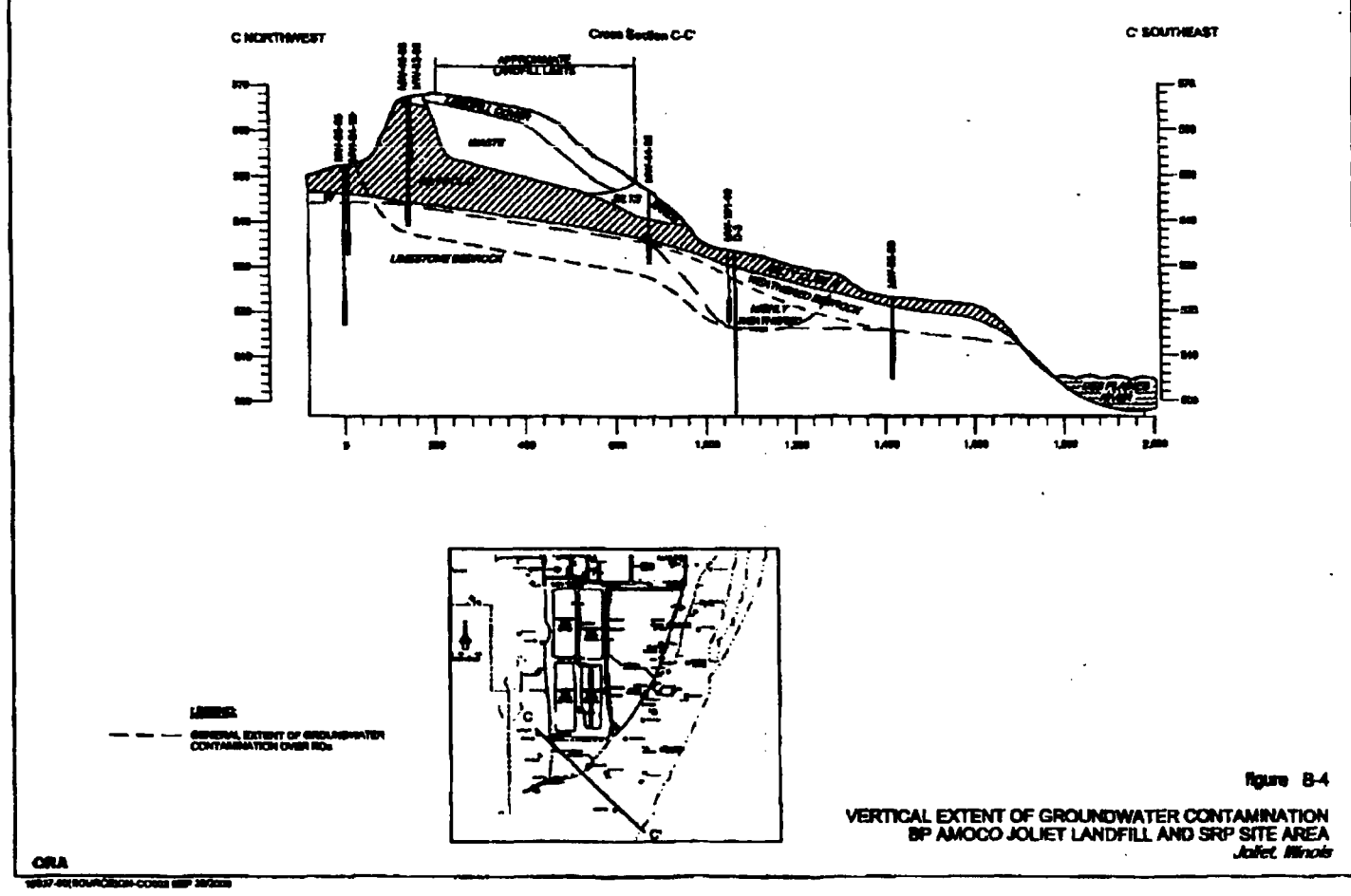
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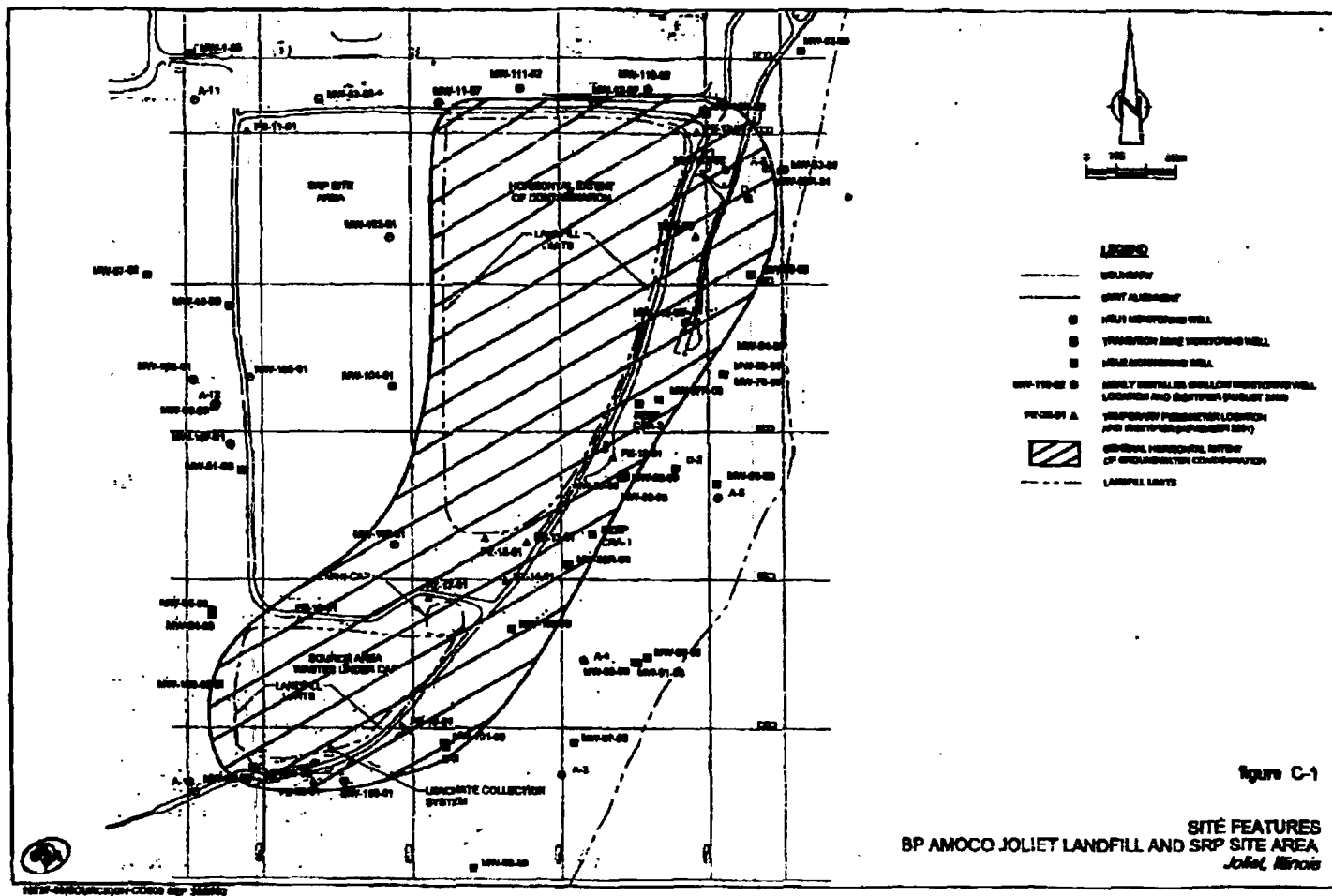
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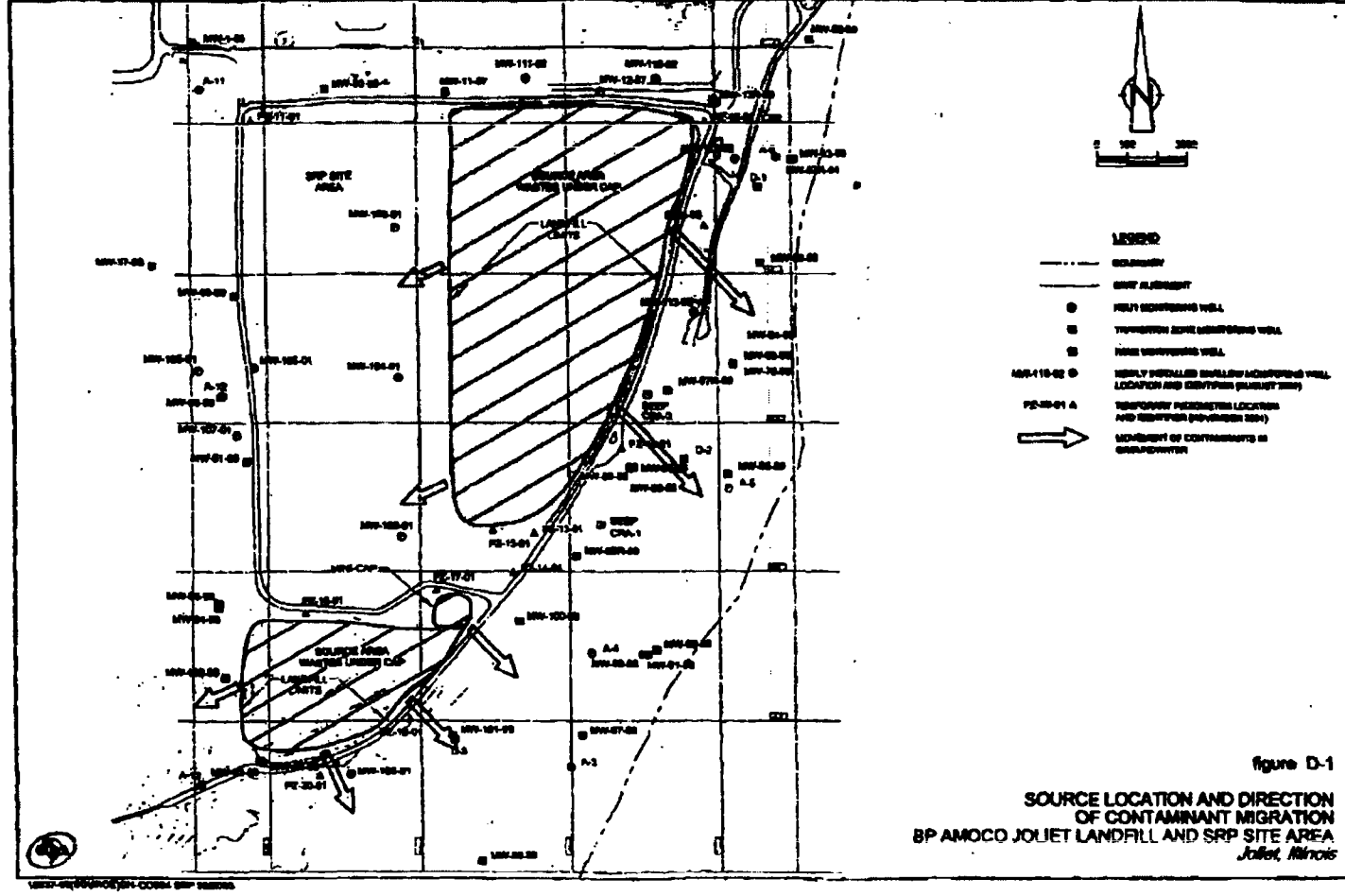
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